G. R. S. IX-5]

Previous references

File No [illegible]

Later refer

GENERAL AND REVENUE SECRETARIAT.

Part B for July 21

SUBJECT.

[illegible] petition of the archakas of [illegible] Eswara temples at [illegible] Hassan Taluk

---

[illegible]

[illegible]

[illegible]

WD 1888—GPB—16,826—23-7 21

1921.

GENERAL AND REVENUE SECRETARIAT.

(Inwards)

NOTES.

File No.

FILE HEADING.

Archakship of Sri Kesava Swamy and Eswara temples at the village of Kowdahalli, Hassan Taluk.

From

Venkatasa Bhatta and Krishna Jois, Archakas.

No. Petition Dated 28.2.1921 Received

Diary No. 893	Enclos. —	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Appeal against the Dy. Comm^r's order removing them from the Archakship on account of their bad character, and prays for an ad-interim order directing the Dy. Comm^r to keep his order in abeyance, and a long term

NOTES AND ORDERS.

To D Their duties as hereinafter.

1) The petition was presented is addressed to the H^ble members of Council and has been received the following order :—

Case may be worked up in

1716

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 19

Serial No.

records with report be sent called for from the Dy. Comm^r "
of Sabarkantha with Dr
AD
2.3.1921. The Dy Comm^r has based his order of dismissal on the finding of the ~~passing~~ 1st Class Magistrate, Harsan, that the Appellants had something wdo with a woman in a case in which the Appellants were no parties, but witnesses, as alleged in the appeal. The appellants say that much injustice has been done to them by this Sepcial order of the Dy Comr who ~~has not~~ did not personally enquire into the case and pray that the order of the Dy Comr may be kept in abeyance till the disposal of the appeal.
This seems to be a case fitting for Prop. Order solicited
SA
2/3 Cl 4/. Draft calling for a report with records, for sign for approval —.

NOTE—Contn. sheet.

Tosen) 5 [illegible] 2-3-21
4/2/3/21 [illegible]

S. III-2]

General and Revenue Secretariat. | File No. of 19 .

Serial No.	
	To
2	The D/Commr Hassan D/- No: 4 forwarding Sl 1 to the D/c Submission of ex detainees with records.
3	From the residents of Kiran Villay Hassan Taluk D/ No: 1 Stating that [illegible] in the village are [illegible] ill feeling prevailing [illegible] has dismissed them [illegible] place marks on the [illegible] by the opposite [illegible] they may be [illegible]
	b/Subd with a draft forwarding the above to the D.C in cont.n of Sl. 1
	8/3/21 8/3/21 9.3.21 9/3/21
4	To D.C [illegible] No: 2/8.5. [illegible]
	Peons Nos 2346 & 234 from the same petitioners praying to be heard personally before passing final orders in this case

NOTE—Contn. sheet.

G. R. S. III-2)

General and Revenue Secretariat.

Secy File No. 424 of 1924.

Serial No.	
5	Letter No 3259/2 dtd 23rd April 1924 from the Dy Comm., Hassan Dt., explaining the circumstances under which the P.C. were dismissed from the service. From the records received with the report of the Dy. Comm. the following facts are observed:— On 4.7.1918 the Dy Comm. of Hassan Dt. (Rao C. Venkata Rao) inspected the village of Kowsika in the Arsikere Taluk. Srinivasabhatta, the archak of the Sri Kesava devasthana temple at the place, was absent at the time and as there were loud complaints against his work and character by the people, the Dy Comm. ordered the P.C. to

NOTE—Contn. sheet

Serial No.

archak should be placed immediately under suspension and a substitute appointed in his place. Srinivasa bhatta was accordingly ~~accordingly~~ placed under suspension and another appointed to do his duties at the temple. Whereupon Srinivasa bhatta applied to the Dy Comm for the cancellation of the order of suspension passed on him and explained that on the day the Dy Comm inspected the village he had been to Mavinkere for only a few hours in connection with the performance of some ceremony ~~that he~~ returned after performing the usual mercy, that he returned the same evening, that the complaints made against him were

G. R. S. III-2

General and Revenue Secretariat.

File No. 424 of 1920.

Serial No.

all false and were due to the ill-feeling that existed towards him on the part of certain Saukaths Brahmins of the village, against whom he had appeared as an adverse witness some time ago, in a criminal case. The petition was forwarded by the Amildar for report and as the Amildar learnt from the local officers that the complaints against the petitioner was much exaggerated and that the man might be reinstated in his appointment, as he had already been sufficiently punished by being made suspense for over 18 months, he recommended to the Sub Dy Officer that the man might be reinstated and as the Sub Dy Officer also was in favour of this proposed reinstatement, the Dy Com—

NOTE—Contn. sheet.

Serial No.

approved of the recommendation in his memo no A C 16-15/3 dated the 27th May 1920. ~~The~~
11 Archak Srinivasabhattar was accordingly reinstated and continued to attend to his duties for some months thereafter.

~~On 15-4-20~~

12 On 7-10-20 Subbarayudu Sastry and other residents of the Village presented a petition to the Dy Comr, Hassan, on 7-10-20 submitting a copy of a judgement of the Principal Asst. Comr & 1st Class Magistrate, Hassan, making certain observations about the head character of ~~the~~ Srinivasabhattar ~~of the~~ Sri Kesavadevaru temple and Krishna Jois of the Eswara temple at the place, and requesting in these circumstances, the

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat. | Govt File No. 424 of 192-.

Serial No.

removal of the archaks in question from their appointments and the appointment of others in their place.

13 In the judgment referred to the Magistrate has observed that "Srinivasa bhatta, Pujari of Kesava devara Temple and Keshava Jois, Pujari of Eshwara devara Temple are proved to have had intercourse with Boris and so they were certified for giving ಶಿಕ್ಷೆ ಮತ್ತು ದಂಡ to the devotees of the temple &c &c

and on perusing this judgment the present Dy Comr (Mr B Venkobarao) has directed the dismissal of the two archaks from service on 6-12-20.

14 Against this order of dismissal the two archaks [illegible]

NOTE—Contn. sheet.

R. S. III-21

General and Revenue Secretariat. | Revenue File No. of 19

Serial No.

appealed, and pray for the grant of a personal hearing before final order is passed.

Submitted for orders

G.O. 13/5/21

It is a usual perusal of the records shows that neither the Amildar nor the Sub-Collector — nor even the Dy Coll.r has enquired into the case of immorality which the archaks in question are said to be guilty of. ~~The order of dismissal~~ The order of dismissal was based on a remark ✗ ✗ made by the Acting Magistrate of Hassan that they "are proved to have had intercourse with Boys" and so they were morally unfit "for giving service in the devasthana of the temple". It is seen that the archaks were not parties to the criminal case and the question of their criminality came into it incidentally.

17 The village is further divided into

(⊗) Two men of diff. persuasions having intercourse with one Sudra woman! Rather an improbable contingency!

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 422 of 1920

Serial No.

Mutual factions always at feud with each other, one trying to bring the opposite party to book.

18 The appellants request that they might be given a personal hearing before the case is disposed of. This seems to be a case in which may be posted for a hearing.

18/5/21

Let the record of the Criminal Case. U. 14/5/21

Put up Subsequently

U. 16/5/21

16/5/21 Issue U. 16/5/21

14/5

6. No. 4156 dated 19th May 21.

To. The Deputy Commissioner Hassan &c.

Requests him to forward the entire record connected with criminal re...

17-18.

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

File No. 424 of 1920.

Serial No.	
7	Letter No C 328 of 20-21/6th C. dated the 18th June 1921 from the Dy Comm, Hassan &c. forwarding the entire records relating to Criminal Case No 61 of 17-18 on the file of the Treasury Asst Commr Magte Hassan, as called for in P. S. Resubmitted with reference to paragraph 4 of the note above P.S. 24/6/21. 27-6-21 One Bori lodged a Complaint in the Court of the First Class Magistrate, Hassan, against eleven Sanketh Brahmins that they had defamed her by stating forth in a petition presented by the Amildar that the appellants before Court viz Sreenivasa Bhatta, Archak of Kesava Devara temple and Narasimha, Archak of Ramanna temple, had sexual intercourse with her and were unfit for the Archak offices

NOTE—Contn. sheet.

Serial No.

held by them. After a trial, the Magistrate acquitted the accused on the ground that though their allegation that they did not present the petition was false, the substance of the charges made in it viz that the Archides had intercourse with Bori was true.

After reading this Judgment, the Dy Comptr has dismissed both the Archides from office and this is an appeal against the said order.

On the trial prior, the Appellants were the parties to the Criminal Case but were only witnesses. They were not being tried on a charge of immorality and they had absolutely no Chance of Cross examining the witnesses who spoke against them or of adducing independent evidence to establish their innocence. The Appellants should not have been dismissed on the strength of the finding of the Magistrate in a proceeding in which they had no opportunity of hearing their case, for

NOTE—Contn. sheet.

General and Revenue Secretariat.

Mercy File No. 424 of 1920

Serial No.

It is the duty of a subordinate Magistrate to forward Depositions and to him and not to supplement his Powers by Queer due record of Explanation of his Action -

With the Depositions pending before him the Dy Commr should have directed a departmental enquiry when the appellants would have had every chance of placing their case before the Authorities, and the proper course, indicated by the Enquiry should have been taken. But no such departmental Enquiry has been held and the appellants have been Condemned unheard.

A The Order of the Dy Commr may be set aside and that Officer directed to hold a departmental Enquiry and to take such steps as may be called for as a result of such Enquiry.

First Member

A. Approved. I do not think the Dy Co order can be supported on the record.

2-2
1-7-21

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 424 of 1921

Serial No.

put forward in the next page.

Rec 27/7/21 - Draft 28/4/7/21

Draft submitted for approval
Sd. 27/7/21
Sd. 27/7/21

Final Memo) 28/7/21

195-195
27.7.21

Draft approved
Rec 28-7-21
Issue. Memorandum
Shall be put up 28/7/21

cc

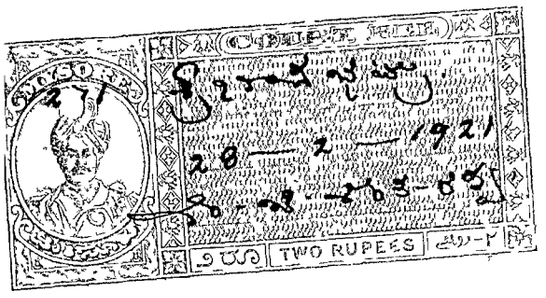
Draft endorsement Subject
Sd. 12/7/21
12/7/21

8 To, DC Kalsan No 443 of 28/7/21 Issue 28/7/21

Sets aside the DC's order of 8 weeks
a fresh departmental enquiry being held & a fresh
decision passed in the matter

No. 500/27 - 28. 7. 21
Subdt of Sirumara Brattao V. Sirumara Dasi.

NOTE—Contn. sheet.



1795

283 Parliament
6-2-21.
To
Heergoni Secy
Hobli Complete
Case may be looked
up in the annual cause
Records with reports &c.
to present the &c.
Files
25.2.21

To

P. Raghavendra Rao Esq., B.A., B.L.,

Member of His Highness the Maharaja's Council,

Bangalore.

Respected Sir,

We, the undersigned Archaks of Sree Keshava Devaru and Eswara Temples at the village of Kowsika in the Hassan Taluk, beg to lay the following facts and pray for favourable orders from Government. The facts of the case are as follows:-

1. The temples are minor Muzrai Institutions endowed with small Inam Lands.

2. We are the Archaks in hereditary succession of these temples.

3. The Village has been divided into two factions i.e., Karnatakas and Sakethis. In consequence of this party spirit and the Archaks having given their evidence in a Criminal Case against the Sankethis, complaints were made by a few of the latter community.

4. A perusal of a copy of the judgment referred to in the Deputy Commissioner's order and herein enclosed passed in Criminal Case No. 61 of 17-13 before the First Class Magistrate of Hassan, in which we happened to be the witnesses and no parties, will show that no bad character could apparently be brought against us.

5. In the enclosed copy of the Deputy Commissioner's order No. AC 16-15/s dated 6th December 1920, it has been stated that we are of immoral character and we deserve to be dismissed from the honoured positions we hold.

6. We now beg to state that the learned Deputy Commissioner held no enquiries on reports made by the Local authorities. Merely on the complaint petitions brought up by jealosy and party feelings between Sankethis and Saranatahs the learned Deputy Commissioner has passed the above order. We beg respectfully to state that the judgment passed by the Deputy Commissioner is unsound both by law and equity and that the section of the Muzrai Mannual cited does not - apply to us. We therefore pray that you will graciously, after full enquiry and personal - hearing acceeded to us pass equitable orders in the matter.

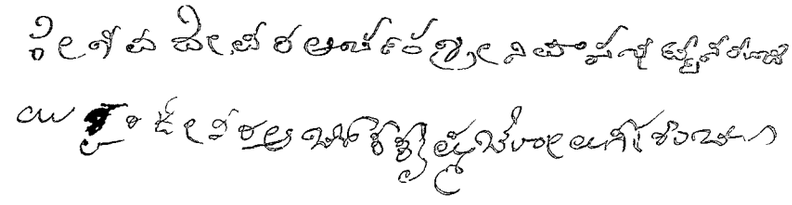
Pending final orders in the case, we respectfully beg that as much injuries has been done to us, orders may be graciously issued to the learned Deputy Commmissioner to keep his order ina abeyance and allow us to do our duties as - heretofore.

We once more beg to assure you, Sir, that this is an outcome of party feelings and jmd in the village and after full enquiries, the Government will come to know that we have been brought to this trouble merely on ex-parte orders passed by the Deputy Commissioner.

For which act of kindness, we shall ever pray.

Bangalore
28th Feb. 21.

We beg to remain,
Respected Sir,
Your most obedient servants,



2349

20 2/

Nearer

Recd. 15 Sept

Nearer to Secy

with Compts

This may be put

up in the usual cases

Recd

11.5.21

4/11/5/21

Rt. Hon'ble [illegible], Esq., B.A., I.C.S.,

Member of His Excellency the Governor's Council,

Respected Sir,

We the undersigned residents of Upper Burma, Devaru and Kavara Koodlu at the village of Kuvinka in the Kanara Taluk, beg to lay the following facts and pray for favourable orders of Government.

We preferred an appeal before Government against the order passed by the Deputy Commissioner, Dakshina Kannada District in February last. The petition was forwarded to the Deputy Commissioner, (2160/Ins 424-20-3 dated 4-4-21) requesting to submit all the records connected with the case after full enquiry.

The Deputy Commissioner, we hear, has submitted the records to Government. He did not make enquiries on the allegations brought against us

We have been divided into two factions

In consequence of this party spirit and we having given/evidence in a Criminal Case against one party-complaint were made by a few of the other party

We now respectfully beg to state that the learned Deputy Commissioner held no enquiries as required made by the local authorities, and we now see that a hearing be given to us before passing orders in our case.

We once more beg to assure you, respected Sir, that this is an outcome of party feelings and did in the village and after full personal enquiries the Government will come to know that we have been brought to this trouble merely on accounts spoken up [illegible]

12.5.21
1438

2346

20 21

To

Sirdar M. Kantharaj Urs., B.A., C.S I.,

Dewan of Mysore,

BANGALORE.

Respected Sir,

We the undersigned Archaks of Sree Keshava Devaru and Eswara Temples at the village of Kowsika in the Hassan Taluk, beg to lay the following facts and pray for favourable orders of Government.

We preferred an appeal before Government - against the order passed by the Deputy Commissioner, Hassan District in February last. The petition was forwarded to the Deputy Commissioner, (3105/Muz 424-20-2 dated 4-3-21) requesting to submit all the records connected with the case after full enquiry.

The Deputy Commissioner, we hear, has submitted the records to Government. He did not make enquiries of the allegations brought against us.

The village has been divided into two factions. In consequence of this party spirit and we having given evidence in a Criminal Case against one party, complaints were made - by a few of the other party.

We now respectfully beg to state that the learned Deputy Commissioner held no enquiries on reports - made by the Local authorities, and we now beg that a hearing be given to us before passing orders in our case.

We once more beg to assure you, Respected Sir, that this is an outcome of party feelings and jid in the - village and after full personal enquiries the Government - will come to know that we have been brought to this trouble merely on exparte orders passed by the Deputy Commissioner -

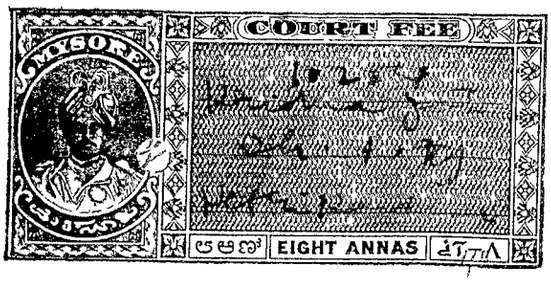
without giving us hearing.

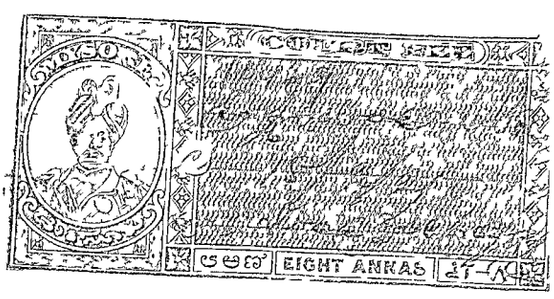
We therefore earnestly beg that a hearing be given to us to represent our grievances before final - orders are passed.

For which act of kindness, we shall ever pray,

Bangalore
10th May 1921.

We beg to remain,
Respected Sir,
Your most obedisnt servants,





Office of the Deputy Comm.
Hassan Divn.
Dated 6th December 1

No. A.C. 16-15/5.

When Mr. C. Venk[illegible] was former Deputy Commissioner of the village Kowrika on 4-7-1[illegible] the Sri Sreenivasabhatta of Kere[illegible] temple was absent. [illegible] loud complaint against [illegible] his moral character, he was [illegible] to be placed under [illegible] immediately and a bailiff [illegible] appointed.

Accordingly [illegible] was placed under suspension and [illegible] was also appointed.

On further [illegible] the matter, the Amildar [illegible] reported in his No. 222 [illegible] that there is family [illegible]

and Karnalākas in the village of Kowsika and that he was the Archak of the Sree Devara temple reposed in a certain part of the Karnalakas, the Congress of which is the Complaint by Sankelis against Sreenivasa bhatta and that he is the Archik of the temple from a long time and he ought to be reinstated. The recommendation of the Amildar was supported by the Sub Division officer.

It was approved in this office order No A.C. 16-15/8 dated 27-5-1920 and Sreenivasa bhatta reinstated.

On 7-10-1920 the people of Kowsika presented a petition to this office complaining about the character of Sreenivasabhatta and prayed that another man may be appointed as Archik in his stead and presented a

judgment passed at

against him by the 1st class magistrate in a certain criminal case in which Srinivasachari was involved.

On a reference to it is seen from the judgement it is seen that the magistrate has attached in fact that Srinivasachari Archik of Kesava Perumal temple and Kristna Iyengar Archik of Eswaradevaru temple are proved to have had illegal intercourse with a non-brahmin lady (the complainant in the case) and so they are morally unfit for giving Darsan to the devotees of the temples.

The Amildar seems to have recommended for dismissal without looking into the judgement.

Kesava Perumal temple and Eswaradevaru temple are two institutions, the former being in Melkote and the latter village [illegible]

What action has been taken against Kenchina Jois The Arrest of the Gowda People

The Judgment makes it clear That the two people are criminal. They deserve dismissal from the posts they hold

Approved. Let certified copies of Judgment be issued. E.M.

(Signed) D. Ve Sharma
Ref by Sessions
Hassan District.

-6-.20

Compd
K.R

Copy
1/2/21
for Deputy Commissioner
Hassan District.

Copy applied for on 24th January 1921
- told to appear on 15th February 1921
Copy ready on 15th February 1921
Party appeared on 15th February 1921
Copy delivered on 15th February 1921
of words 417
Rs Ans. -12-0

TWO ANNAS

MYSORE

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In the Court of the Assistant Commissioner and First Class Magistrate, Hassan.

Dated 29th November 1919.

Present - B. M. Venkatesiah Esq. I. A. S.

First Class Magistrate

Criminal Case No 11

Complainant Accused

Bori 1) Sub...

Sub... 2) ...avadi

...avadi ...

... ...

... ...

... ...

... 2) Narasimhaiah

... Karanias ...

Sec 500 I.P.C. ...

Judgment.

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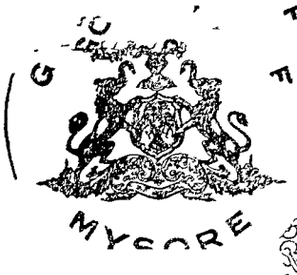
TWO ANNAS



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Petn, Ist

Karnika &c

Lalitha Thee

riage Sub mitted

the Amildar all

defendants, except

her and that

ugh her father,

the petitioner

gations made

no husband that

ons &c were not true and

that action should

against 13 persons. who have

Signed the petition under Sec.

500 of Indian Penal Code

2. The Complainant stated

that she was not a widow

-her

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her mo. [illegible]
Jeeda was alive She was at
in the way to give birth to a
Child and that the accused
have falsely deposed in the
as pretence [illegible]
are [illegible]
from the [illegible]
Adidas stating that [illegible]
when the [illegible]
there [illegible]
pregnancy [illegible]

3. The Complainant examined herself as her [illegible] engaged
by Parties [illegible]
[illegible]
Venkatanarayana [illegible]
[illegible]

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TWO ANNAS

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MYSORE

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TWO ANNAS

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MYSORE

[illegible] that there [illegible] villages ... also says that after the death of the first husband to Boy She was married (Be 00 8?) to Gowanalli-Chikkegowda with whom She was living till the death of her mother. Then she was brought for her husband to be of some use in his family to look after the children Etc ...

5. The Pws Ranjegowda Pw4 Venkataramanaiah Pw5 Siddaraja and Pw6 Venkata ramanappa say that they heard it said by the witnesses of the accused 1) Subba Sastry 2) Siddaraya 3) Chennappa Vadhani 4) Ananthanarniah

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TWO ANNAS

MYSORE

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5) Kadaveeru (illegible) Venkatarayappa.
7) Kashi (illegible) Nagappa (illegible)
Venkataramaiah (6) Venkatasubbaiah
and 11) Ramaswamiah and that
they are sure that the signature
in Ex P, belong to the accused.
They also admit that there are
two factions among Brahmins
viz Karnatkas and Sankathas
and that the witnesses belong
to Karnatka party. It is also
admitted by the Witnesses that
the parties have filed cases to
Civil Courts against each other
the temples and accused Kodava-
vathani has filed a suit
against the Witness Subbaraya
and Exs (illegible) in other cases are
Commissions.

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MYSORE

Examination in chief of Uri.

1. Pw1 Krishnappa speaks to the Ygd of the parties. He is the brotherinlaw of Siddaramaya (accd) & is in his favour in the Civil Court. He is the Iswara Devaru Pujari.

2. Pw2 Channaiah and Pw10 Ramanaya speak to the Ygd. between Kannahias & Venkatties. The Pw1, Pw2, and Pw10 are the witnesses whose names are mixed with the Complainant as to the Cause of her pregnancy.

3. The other witness Pw3 Miss Jayamma, the Lady Visitor says that she received Boni on 7-4-18 and she had since with one

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TWO ANNAS

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MYSORE

One Bhojappa was the only pleader fee for the 1st : accused.

Q. All the accused plead not guilty and have chosen having signed the petition & P. They submitted a written statement stating that they did not write the petition nor read that though they did not do so, the declaratory part of the story is true and that if even they have read it they are privileged to do so.

A. To prove that the Complainant Bore has no title 2) that she was carrying on cultivation with her own Krishnappa and Venkatramanasetty

3) that there was a Panchayat in Hemiks.

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Copy ready on the	Copy delivered on the	Copied by	Examined by

TWO ANNAS

MYSORE

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Kowsika Negotiating the purchase of the woman 4) that she admitted, that Krishnaji Appaya and Ramaraya had settlement with her 5) that Appaya admitted his part before the Panchas, examined 6) that the Patel, Dwg Nanjegowda took the complainant & Bori Gowda to report the matter to the Police the Defence have examined the witnesses on their behalf

11 Dwg Kalleyanda Sangaiya & Linga Gowda Linga Kalleyanda Sangaiya Siddegowda Say that they Saw Bori Gowda, Kowsika & Huchegowda on a Monday and they Assembled to Holenarsipur in the same Car

AB

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TWO A NAS

GOVT OF MYSORE

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All Holeswarapura they saw Krishnajis Guru and Veeka
Sannaiah singing the
Return to their Villages. They were
asked by Patel Nanjegowda why
he attended a Bonacayata and
they heard the Puja
Charates the Patel asked Dasa
whether it was true that he
was Carrying and to know the
Siddha Mysore persons and
also having Sri Vishnu and
Ramanuja, or not Seeing and Shalla
he Siddha Mysore- accused
Siddha by Dasa and Vaishnava
Subbanna by he understood persons
and not to attend to Puja Utsava
Dasa

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The [illegible] part of Baseer [illegible] witness for defence in Lukhawa-Sasbrij DW12 [illegible] the above witnesses [illegible] place in the Panchayat [illegible]

12. The D[illegible] [illegible] says that Brij [illegible] [illegible] after her [illegible] death She did not marry at all. She was [illegible] after her husband's death and she was [illegible] [illegible] left that [illegible] [illegible] the [illegible] [illegible] DW2, DW3, DW4 [illegible] in all the details

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TWO ANNAS ಎರಡು ಆಣೆ

PB. Marinkoppada Dog, Thadam
Gowda Dog (Complainant) & Thir
witnesses regarding the details
that took place during the Pancha.
Yadava and Boya Veeraiah being re-
quired and had been accommu-
nicated over.

Mr Dog Chakkere gowda says the
his brother Lakkre treated towards
Boori and he came with him. He
was told that Boori was pregnant
and so he left the place and that
his brother Lakkre never married
her and the marriage broke off.
His brother is alive still.

15. Dog Kere gowda says that
on hearing between Pancha the
boy child be in Patel Nanjegowda
and

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and others having left the Police Station at Hunsur I was told that as Bori had become pregnant. She was being taken to the house & recording her Statement.

16. Dog Bheemana na age 80 and aunt of deceased Keshavamurthy says She was every day going to the temple and washing the floor there and on a day Raghu Seeta She went as usual to the temple and saw Bori coming out of Sreenivasaswamy's room where he was alone and Sreenivasaswamy was in the room. She also was aware that Bori and Sreenivasaswamy alias Appanna were living in the room when

Ans.

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TWO ANNAS ಎರಡು ಆಣೆ MYSORE

She saw Bori coming over.

17. Defence witness is Shivregowda of Gowdahalli. Said that he knew Hosesoppin Chikkegowda and he had not been married and Bori was not with him at any time and there was no marriage between them.

18. Chikkegowda Dw5 who was identified in Court by the Pw2. Dingegowda father of Bori as his son-in-law (Bori's husband) stated that he was sick, was not married Bori. He denied having had any knowledge of their going [illegible]

19. Accused gave evidence Dw4 who is said by Prosecution

Witness

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TWO ANNAS ಎರಡು ಆಣ್ಣೆ

MYSORE

Dwg Miss Jadu ... the Medical
Officer that Ayya ... is ...
to Bori, to have Brought Bori to his
for examination. Says that he
had seen some women called
Bori and brought by him ... and
Sasiya Dwg ... to ... ...
the witness and as requested by Dwg
he had taken that Bori to the
Medical Officer at Hunsa. but
that the present Complainant
Bori was not that woman and
he cannot identify this woman
not having ... ...
He was sure that the woman
whom ... to
medical examination was
Shorter, black ... than this Comp.
the Complainant

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MYSORE

Complainant and he was 5 years younger. At any rate the present Complainant is not before Court. He was not that woman whom he had taken to Chamarajanagar.

20. So far as the evidence produced on either side. The prosecution has counted on the strength of petition that the accused have defamed her and have made the witnesses identify the signatures on the petition as belonging to the accused before Court. They have counted that them on the factions between Brahmins, Karnatakas and Gowdas and that the injuries are said by Karnatakas

11.

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GOVT MYSORE

The Villagers seem to have taken both the Sist. (and the Patel Nagaj and the Convener of the Panchayatee is for the Karnatica Brahmins

2/ The accused who are all Sawkars have denied having signed the petition &c, and have pleaded not guilty, but have placed two witnesses that what is alleged in the petition is true. They say that even the petition is accepted as proved they are not guilty, as what is said therein is true and as the Prajas have a Panchayet they have a right to represent to the Authorities to have their grievances in the interest of the

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MYSORE

the Community who were visiting
the temple for worshipping purposes

22. I see, after hearing the Prosecution
Witnesses and comparing the Signat[illegible]
found in Ex[illegible] [illegible]
and their Signatures to their statements before [illegible]
before the Court that their [illegible]
cannot be accepted and they
are the true signatories

[illegible] this [illegible]
the accused [illegible]
[illegible] it is true [illegible]
[illegible] admitted by the [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
the [illegible]
[illegible]

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MYSORE

4) That a ... [illegible]
Suspicion ... [illegible]
and hai ... [illegible]
her (Esta ?) ... [illegible]
Dan charges ... [illegible]
Basavanakki ... [illegible]
Vakkaligas and Jenmans &c
and that She admitted her guilt

(cross) 6) That the ... were ai
to have hai Sometheing todo
with Boni

23. The petetion Contempletes
Removal of the Dejaries from
their posts as this evidence
of their ... with Boni
Has been pressed on the Au-
thorities for Securing their Objet.
The Accus ... in petetion
Dejaries.

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MYSORE

against B. in which her name
had been mentioned in this
connection to invite reasons for
the dismissal of the suit. The
accused then for the reasons
that they are not guilty and
their action becomes privileged under
exception 1 & 8 of section 500 of I.P. Code
24. The prosecution say that there
are two parties interested in the
Karnataka and Sankatties that
accused Keshava Vachani has filed
a suit in the munsiff's court
against B. Subbamma the wife
of A. Ramanna and that A. Ramanna
and Veerappa who are living in
Bilikere village are supporting

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MYSORE

4) that Krishnaji's son in Law Narayan brother-in-law 5) these latter two Srinivasabhatta and Krishnaji are the Pujaries of Keshavadevaru and Isvara Devaru respectively. 6) as the party feeling was strong the accused Sanyattiers were determined to see the Pujarisam deprived of their Services and to effect this end, they brought the Complainants name into dis- repute by petitioning in the way they have done it in Ex P. The accused have thus defamed the Complainant and had mala fide in their intention. Their representations amount accordingly to be brought under any exceptions under

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Under Section 500 I.P. Penal Code

25. The defence witness deposed that 1) the complainant was a widow 2) that her statement she was electric power's wife was false 3) that she was leading an immoral life was true 4) that for becoming pregnant through immorality she was not within the Penal Code 5) it was proved before the Sowcargadars that she admitted her guilt. Though all these are true the allegations made in Ex P1 was not intended to defame her but to represent to the Revenue Authorities that the two persons were immoral and so they could not be paid for worshipping and they

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they should be arrested from Sowcar
The accused say they have done
all this and they have done so
bona fide. They say that as this are
brought to the notice of Authorities
to get redress and their action is
privileged, and they are entitled
to acquittal. Inserting Ravi's
name in CP, was to explain
the reason for withdrawing the removal
of Appanna and Krishnajois
from the charge.

26. After hearing the arguments on both the sides and going through the evidence recorded as detailed in previous paras, I am inclined to think that the signatures

1.

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in Evp, belong to the accused and as evidenced by the defence witnesses I believe the Complainant's prepaneg-, Pan Chayatee conducted in that account &c true and the defence has every reason to be believed as true. It is also to see noted that the accused wrote Evp, and sent it to Amildar who is an authority in the matter of mynaai distributions and this also an accounts to proper publication.

27. Admitting all these it is a question for decision whether the accused could be considered to have the privilege

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MYSORE

privilege to Cases under section 148 of Section 500 Indian Penal Code. The petitioner's Counsel is not privileged as the case does not serve any interest of the public. I do not agree with this. Appearance also Sesaiva as Bhatta, Archaka of Keshavadevaru temple, Krishna Jois the Archaka of Eshwaradevaru Temple are present to know, had interference, with Princess so they were morally unfit for Archaka, [illegible] to the devotees of the temples and this petitioner's counsel it clear that, the petitioner's made by the accused, to the Auditors

(Continued)

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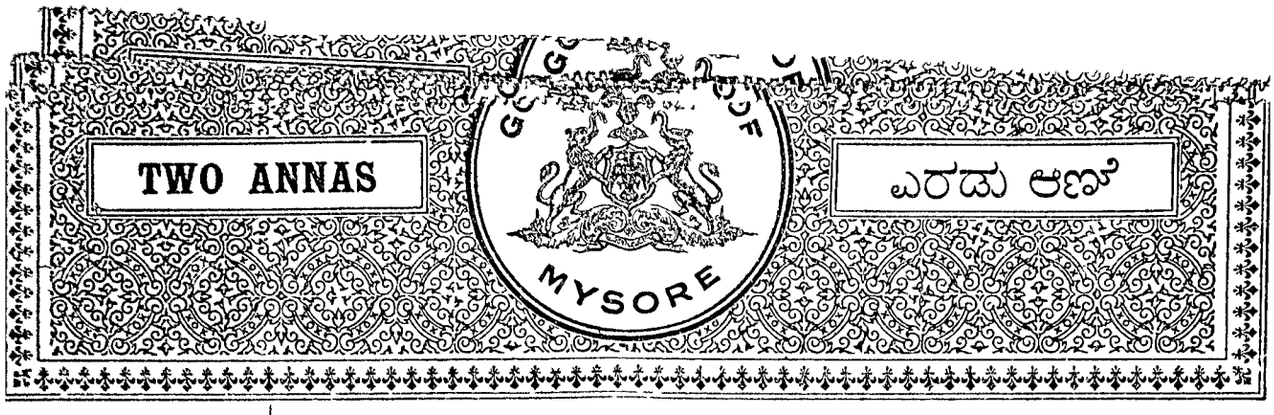

Concerned to set matters right
by enquiring Revd Offrs.
Some others for Orjani places
ten ones like Respect of the
Communities, that go to their
temples Revd the Accesses are
also entrusted in the
welfare of the temples and
have a right to Represent
Redress (Enquire) to the
Govt of the Concerned Revd
Authority in respect of
Revd & Medical Education
Revd Revd Revd
are in the Opinion
Petition to the Enquiry
of it.

Yours truly Faithfully

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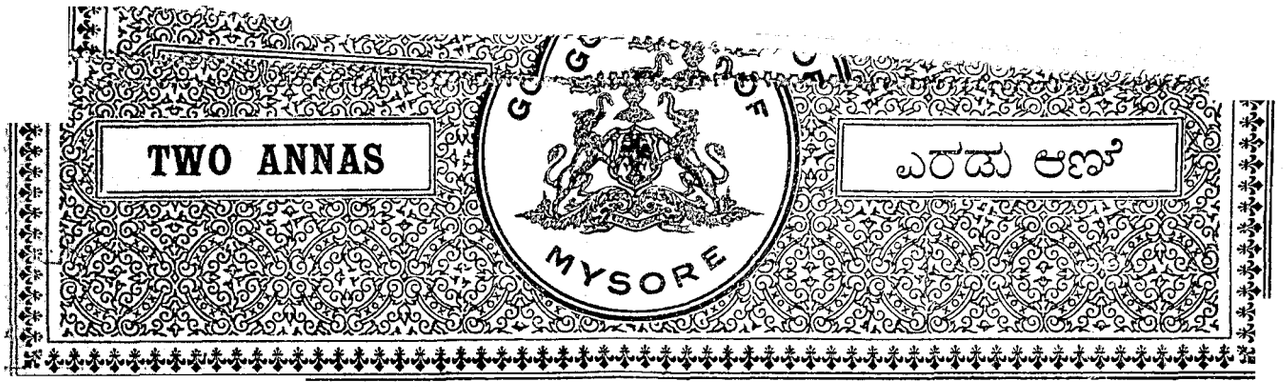

the accused 1) Subbaiah
2) Subbarao 3) Narasa-
Narasaiah 4) Gundu Rao
Narasiah 5) Ramaswamy
Alias 6) Subbarayappa 7)
Seedekarekeshaiah 8)
Narasimhiah 9) Veeke-
Gowdaiah 10) Venkata
Subbaraoshetty Alias 11) Ra-
Narasimhappa and one
Gaibi, Alias Acquit the
under Section 258 of
Criminal Procedure Code

29. The Complainant
at first had added
two Names Keshava
of persons whose real
Names were in fact
Keshava

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TWO ANNAS

GOVT OF MYSORE

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Keshavaiah ... before the
Court ... [illegible]
the Court ... the
... Orders were pronounced ...
as ...

Delivered in Open Court
in the presence of the accused
Sd/-
B.M. Venkatesaiah
2nd Addl Civil Judge
& Addl Sessions
29/11/69
Hassan.

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GOVT OF MYSORE

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[illegible] in C.C. No. 613 of 1[illegible]

The following witnesses were examined for the prosecution.

1) P.W. 2) [illegible] 3) [illegible]
4) Karkambanna [illegible] 5) Lakshmaja
6) Narasa[illegible] 7) Krishnajois
8) [illegible] 9) Miss Falconer 10) Narasaraja Urs and others.

II. The following witnesses were examined for the Defence.

1) Kullegowda 2) Kullegowda
3) Karigowda 4) Thadiyanda
5) [illegible] 6) [illegible]
Gowda & 7) [illegible]
[illegible] 8) Chikka-
thayamma 9) Thimmegowda

(4)

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GOVT OF MYSORE
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11) Venkobarao 12) Venkatasubbaiah 13) Chikkanarasimha (by) Panchayat

III The following Exhibits were produced for the prosecution.

1. Exp1 Petition from the villagers against the Amildar of Hassan.

2. Exp2 Document executed by Subbaraya alias Samanaya in favour of Narayanda

3 Exp3 Document executed by Ramaswamy in favour of Narayanda

4 Exp4 Document executed by Venkatasubbaiah in favour of Samanna

5 Exp5 Medical Certificate.

6. Exp6 Signature of Venkatasubbaiah

IV No Articles were produced

V (Nine) were examined

VI Charge was framed

Accused were acquitted

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26.1.21	28.1.21	28.1.21	28.1.21	28.1.21

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30.1.21	1-1-21	K.N. Rao	

a. Vfs

GOVT. OF H. H. THE MAHARAJA
OF MYSORE.

GEN. & REV. SECRETARIAT.

OFFICIAL MEMORANDUM

No. .....

The accompanying Petition Registered
No 1793 dated 18-2-19
received at the General and Revenue
Secretariat from Srinivasa Bhatta
and Krishna Jois, Archakas of
Desava Devaru and Eshwara
temple, at Kowdika village, Hak
Taluk, appealing against the
Dy. Comrs. order directing their
removal from the Archaka ship
on account of their bad character
and poverty

is forwarded, together with its 2 enclosures,
to the Dy. Comrs, Hassan
Dt,
.....
..... for
Submission of a detailed report with records

By Order,

Secy. to Govt.
Revn Dept

BANGALORE,
191 . 2.3.

P. T. O.

424-20

[illegible]

GOVT. OF H. H. THE MAHARAJA
OF MYSORE.

GEN. & REV. SECRETARIAT.

OFFICIAL MEMORANDUM.

No. Mysore 424-20-4

The accompanying Petition Registered

No 1832 dated 4.3.21

received at the General and Revenue Secretariat from the residents of Kowsika village Hassan Taluk stating that there are two factions in the village & that owing to the ill feeling prevailing the D.C. has dismissed the archaks of Sri Kesava Devaru & Isvara Devaru of the place merely on the petn of the opposite party & praying that the archaks may be reinstated so that regular puja may be conducted in the temples

is forwarded, ~~together with its enclosures~~,

to the Dy Commr, Hassan Dt

for report in conty of this office

No 3104 Dt 4.2.1921

Mysa 424-20-2

By Order,

Secretary.

Muzrai Dept

BANGALORE,

191 .

P. T. C.

1.3.21

W D 882—GPD—1 000—10 1. 15

3192

ಅರ್ಜಿದಾರ [illegible] ತಾಲ್ಲೂಕು

[illegible] ಹೋಬಳಿ 3. 11. 3. 21

[illegible] ಗ್ರಾಮದಲ್ಲಿರುವ

[illegible] ಗೆ

ಇಂಡಾರ್ಸ್ ಮಕುಂ.

[illegible]

1832

ವಿಷಯದಲ್ಲಿ ನೀವು ಗುಜರಾಯಿಸಿಕೊಂಡ 4. 3. 21

ಅರ್ಜಿಯನ್ನು ~~[illegible]~~

~~[illegible] 3. 04 [illegible]~~

4 3 21

ರವಕ-ಯಲಿಗೆ ಕಳುಹಿಸಿದೆ.

[illegible]

By Order,

[illegible]

Secretary

[illegible]

8/3/21

OFFICE OF THE DEPUTY COMMISSIONER
HASSAN DISTRICT

328 ee
pe
Ere au Jela

Dated, Hassan, the 20th April 1921

From

2228

B. VENKOBA RAO. Esq., B.A.,
Deputy Commissioner
HASSAN DISTRICT

JUDICIAL & REV. SECTT.
Received
25 APR 1921

1921
FILE No. 424 20

To

T. Ramachandra Iyer, Esq., B.A.,
Secretary to the Government of
His Highness The Maharaja of Mysore.
Judicial Department.

Bangalore.

With reference to your official proceedings No. 710 / Judl. dated 27-1921 calling for a detailed report on the appeal petition of Sreenivasabhatta and Krishnabhatta, Archaks of Kodhar Agrahara Dharmadaya Inam to officiate in the Kodhar village, Hassan Taluk, in the matter of their dismissal from Archakships, I have the honor to state that my predecessor - Mr. C. Venkata Rao during his inspection of the village visited Kodhar Gram Temple and heard an oral enquiry and the Archak from office as he was heard from the village then - and there was also four complaints against his moral character (vide Shorigai No.1). Substitute as - the Archak is in his stead to perform the worship of the - Gram Devate. On a further enquiry by the petitioner subsequent - ly, a letter was called for from the village who reported in favor of him (petitioners) reinstatement in office (vide Shorigai No.2). The Deputy Commissioner also recommended the -

From

B. VENKOBA RAO. Esq., B.A.,

Deputy Commissioner,
HASSAN DISTRICT

To

[illegible], BoAc, BoL
[illegible] Government,
[illegible]ment,
[illegible]lore

Dated [illegible].

Despatched

Received

General No.
No

Enclosure No.

some of the village officers of [illegible] to this office, inviting a copy of the judgment in C.C. No. 61/47-48 on the file of the Treasury Vakil Court Co[illegible] and 1st Class Magistrate, Hassan, on plaints against the character of the Archak. A report was called for from the Amildar a second time. It transpired that the recommendation made by him on the former occasion had not been based on a reference to the judgment passed by the 1st Class Magistrate. A perusal of the judgment reveals the fact that the Archaks of Keshava swami and Bhavaleswara temple were both men of bad character. A persistent route for bad character or immoral life is a sufficient reason for dismissal of an Archak from his post (vide page II. V (1) of second supplement to Muzrai Manual) both of the Archaks were dismissed from office. It is against this order that the present appeal has been preferred.

2. The entire records dealing with Hassan Sub Division Officer's No. 100/F.D-30/H.D. dated 9-4-31 and the appeal petition with its enclosures are sent herewith.

I have the honor to be,
S i r,
Your most obedient servant,

Deputy Commissioner,
Hassan District.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to 2348

Section Enquiries
File No. 424-20.
Serial No. 6

General and Revenue Secretariat
(VU)
, *the* 191

No. 4156

Date of issue 19th May 21.

Signed by Mr T. J. Price

To The Dy Commr,
Hassan Dt.

Sir

With reference correspondence ending with your letter No 3289/20/HC. dated 20/4/21 forwarding a report on the appeal petition of Srinivasa Bhatta & Kesaviengar

over

of Korosuka village in the Hassan Taluk in the matter of their dismissal from the Archakship of the Sri Kesava devaru & Sen Eswara temples at the place, I am directed to request you to be so good as to forward for reference the entire record in ~~original~~ of Criminal case no 619 07-08 on the file of the Treasury Asst ~~Sessions~~ First class Magistrate, Hassan, ~~referred to~~ ~~herein~~

List of enclosures.

I have &c

D. J. 16/5/24

Secretary to Govt

Judicial Dept

Copied by

Examined by

16/5/24

C. S. Ulster

From 458 2569

B. VENKOBA RAO, Esq., B.A.,

Deputy Commissioner
HASSAN DISTRICT.

To T.S. Jeyarama Iyer, Esq, B.A., B.L.,
Secretary to Government,
Puzrai Department,
Bangalore.

Dated 18-6-1921

Despatched

Received 21 JUN 1921

General No. C 328 of 20-21
No 4-C

Enclosure No. Two files (A & B)

Subject.

Forwarding the entire record of Criminal case No.61/17-18 on the file of the Treasury Assistant Commissioner Magistrate, Hassan.

OFFICE OF THE DEPUTY COMMISSIONER
HASSAN DISTRICT.

Dated, Hassan, the 10th June *19* 21

From

B. VENKOBA RAO. Esq., B.A.,
Deputy Commissioner,
HASSAN DISTRICT.

To

T.E.Jeyarama Iyer, Esq., B.A., B.L.,
Secretary to the Government of
His Highness The Maharaja of Mysore.
Muzrai *Department.*

I have the honor to be -

Criminal Case No.61 of 17-18 (Bori V.S- Subbasastry and others) on the file of the Treasury Assistant Commissioner Magistrate, Hassan, as called for in your letter No.4156/Muz.191-20-6 dated 10th May 1921.

I have the honor to be,
S i r,
your most obedient servant,

Treasury Assistant Commissioner
For Deputy Commissioner,
Hassan District,
(Absent fro. Head Quarters)

3 copies plenal

Proceedings of the Government of H. H. the Maharaja of Mysore.

Read:-

Petition dated 28th February 1921, -- presented by Srinivasa Bhatta and Krishna -- Joisa, Archaks of certain temples at Yowsika village ~~of the~~ Hassan Taluk, appealing - - - against the order of the Deputy Commissioner Hassan District, dismissing them from their Archakship on the score of their alleged bad character.

(2) Correspondence ending with letter No.C.328/H.C. of 20-21 dated the 18th June 1921, from the Deputy Commissioner, Hassan District, submitting a report with records in the matter.

Order No. 447 / Judicial 424-20-8 Encl two Files & Bill Sheets

Dated Bangalore, the 28th July 1921.

The records show that the petitioners were dismissed from office by the Deputy Commissioner, on the strength of certain remarks made against them by the Treasury -- Assistant Commissioner and First Class Magistrate, Hassan ~~S.b Division~~, in his judgement in criminal case No.61 of 17-18 on his file. Government observe that the petitioners were no parties to the criminal case in question but were only witnesses. They were not being tried on a charge of immorality and they had absolutely no chance of cross examining the witnesses who spoke against them or of adducing independent evidence to establish their innocence. Government consider that

the appellants should not have been dismissed on the strength of the finding of the Magistrate in a proceeding in which they, as witnesses, had no opportunity of having their say~~ings~~.

2. With the magistrate's finding before ~~--~~ him, the Deputy Commissioner should have ordered a departmental enquiry, ~~when~~ and afforded the appellants ~~would have had every~~ chance of placing their case before the authorities, ~~and then~~ when the proper course indicated by the enquiry could have been taken. By reason of the defective procedure adopted by the Dy Commr the appellants have been materially prejudiced. The order appealed against is therefore set aside and the matter remitted to the Deputy Commissioner who will pass a fresh decision on the merits after holding a departmental enquiry in the matter~~, and pass a fresh decision~~.

8/7/24

Secretary to Government,

Muzral Department.

8/7/24

Recd. 11.7.24

To

The Deputy Commissioner, Hassan District, returning records.

HRR.

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ವಿಷಯದಲ್ಲಿ ನೀವು ಗುಜರಾಯಿಸಿಕ್ಕೊಂಡ 28-2-14

ಮರ್ಕುಮಿನ ಅರ್ಜಿಯನ್ನು .....

.....ರವರ ಬಳಿಗೆ ಕಳುಹಿಸಿದೆ.

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By Order,

Secretary to Government,

List of enclosures

Copied by.....

Examined by.....

WD 1255—GPB—5,000—21-1-14

G. R. S. VI.—6/7]

DRAFT.

SUBJECT.....

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.....

Section.
File No.
Serial No.

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,
( )
, *the* 191

Date of issue.....

Signed by.....

OFFICIAL MEMORANDUM.

The accompanying Petition Registered No..... dated .....
..... 191 , received at the General and Revenue Secretariat from.....
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is forwarded, together with its enclosures, to the.....
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for.....
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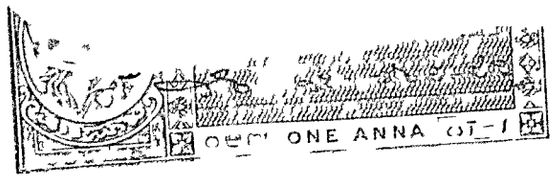
By Order,

Secretary to Government.



482

12 8 1921

Inward

The copy of the Govt order applied for is flagged I

The order directs the case to be remanded to the SJ Court for further investigation & report.

I think the party aggrieved shall have a copy of the order & one may be granted.

13.12.21

Govt order to be set aside and the

for the re-investigation & report by the investigating